

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Bryan P. Bonham,

Petitioner

v.

State of Nevada,

Respondent

Case No. 2:23-cv-01172-CDS-BNW

**Order Denying Petitioner's IFP
Application, Denying Motion for
Clarification/Tolling Time, and Closing
Case**

[ECF Nos. 1, 1-1]

This action was initiated, pro se, on July 25, 2023, by Bryan P. Bonham, an individual incarcerated at Nevada's High Desert State Prison. On that date, Bonham filed an application to proceed *in forma pauperis* (ECF No. 1), a "Motion for Clarification/Tolling Time" (ECF No. 1-1) ("Motion"), with several exhibits attached, and a Notice of Motion (ECF No. 1-2). Bonham has not filed, in this action, a complaint or a petition for writ of habeas corpus.

It appears from Bonham's motion and the exhibits attached to it that Bonham is dissatisfied with the Nevada state courts' handling of a civil rights action he filed in Nevada's Eleventh Judicial District Court. The Nevada Court of Appeals has described Bonham's state-court civil rights action as follows:

Bonham, who is incarcerated, initiated the underlying action against respondents the State of Nevada and Barbara K. Cegavske, who was the Secretary of State of Nevada at the time. In his original complaint, Bonham alleged that Cegavske violated her oath of office and his constitutional rights by failing to provide him a copy of certain senate bills, including Senate Bill 2 from 1957—which enacted the Nevada Revised Statutes (NRS)—and instead directing him to the Research Division of the Legislative Counsel Bureau (LCB) to obtain these materials. Bonham further alleged that it is unclear whether LCB produces accurate records and that if Cegavske had produced a true and correct copy of Senate Bill 2 as requested, it would have been revealed that the bill lacks an enacting clause as required under Article 4, Section 23 of the Nevada Constitution, and that it embraced more than one subject in violation of Article 4, Section 17 of the Nevada Constitution, which he contends would render the NRS and his criminal conviction invalid.

Ex. 2, ECF No. 1-1 at 10–11. On March 30, 2023, the Nevada Court of Appeals affirmed the state district court's judgment dismissing that action. *See id.* at 13. Apparently, Bonham seeks to appeal

1 to this federal district court from the state courts' rulings in his state-court civil rights action. In
2 his motion, Bonham's request is as follows:

3 (1) Petitioner requests this court to do one of the following: (1) order that his time
4 not start for appeal to this court until Nev. Sup. Crt issue an order. (2) this court
5 be watchfull of Petitioner's rights, order the Nev Crt of Appeals to stay out of this
6 case. (3) As this case does involve the Nev Constitution, also the U.S. Constitution,
the corruption of elected officials, that a statute cannot override the Constitution
see Blair v. Crawford 275 F.3d 115 (9th Cir 2002) this honorable court take
jurisdiction due to the nature of the issues involved.

7 ECF No. 1-1 at 5.

8 A federal district court does not have subject matter jurisdiction over an appeal from the
9 final judgment of a state court. *Cooper v. Ramos*, 704 F.3d 772, 777 (9th Cir. 2012); *Noel v. Hall*, 341
10 F.3d 1148, 1154 (9th Cir. 2003); *see also Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 416 (1923).

11 Because Bonham has not filed a complaint or a petition, and because this court is
12 without subject matter jurisdiction over an appeal from a state-court judgment, this action is
13 meritless, and is summarily dismissed, and Bonham's motions denied.

14 IT IS THEREFORE ORDERED that this action is dismissed. The Clerk of the Court is
15 directed to enter judgment accordingly and close this case.

16 IT IS FURTHER ORDERED that petitioner is denied a certificate of appealability.

17 IT IS FURTHER ORDERED that the Application to Proceed *in Forma Pauperis* [ECF No.
18 1] is DENIED.

19 IT IS FURTHER ORDERED that the Motion for Clarification/Tolling Time [ECF No. 1-
20 1] is DENIED.

21 DATED: August 8, 2023

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24 Cristina D. Silva
United States District Judge
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